

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE DEMAS WAI YAN,

No. C 12-5475 RS

Debtor,

Bankruptcy No. 04-33526

TONY FU

**ORDER DENYING MOTION TO  
INTRODUCE PURPORTED NEW  
EVIDENCE**

Appellant,

v.

JANINA M. HOSKINS, Trustee, et. al.,

Appellees.

Relying on Rule 60(b)(2) of the Federal Rules of Civil Procedure, *pro se* appellant Tony Fu moves to submit purportedly newly discovered “evidence” in support of his appeal in this bankruptcy matter. Fu asserts that he recently received “a letter,” and that one of the events described in the letter has a “direct connection” to this appeal. Fu allegedly was subsequently contacted by the FBI and told not to disclose the contents of the letter and that an investigation into the matters addressed in the letter has commenced. Fu proposes that he will obtain permission from the FBI to present the letter to the Court on the day his motion is set to be heard.

The motion is denied and the hearing set for May 2, 2013 is vacated. Regardless of what the letter may or may not state, it is not appropriately considered as part of the record on appeal, as it

1 manifestly was not before the trial court. Rule 60(b), which governs motions for relief in the trial  
2 court, has no application here. Fu shall file his appellate reply brief no later than May 7, 2013.

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5 IT IS SO ORDERED.

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7 Dated: 4/30/13



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RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE